

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
(Indianapolis Division)**

RED BARN MOTORS, INC.,	*	DOCKET NO. 1:14-cv-01589-TWP-DKL
PLATINUM MOTORS, INC.,	*	
MATTINGLY AUTO SALES, INC.,	*	CLASS ACTION
YOUNG EXECUTIVE MANAGEMENT	*	Jury Trial Demanded
& CONSULTING SERVICES, INC.,	*	
Individually, and on behalf of other	*	
members of the general public	*	
similarly situated	*	
	*	
v.	*	
	*	
COX ENTERPRISES, INC.,	*	
COX AUTOMOTIVE, INC.,	*	
NEXTGEAR CAPITAL, INC.,	*	
F/K/A DEALER SERVICES	*	
CORPORATION, successor by merger	*	
with Manheim Automotive Financial	*	
Services, Inc., and JOHN WICK	*	
	*	

\*\*\*\*\*

**DECLARATION OF NAMED PLAINTIFF, PLATINUM MOTORS, INC.,  
IN SUPPORT OF MOTION FOR CLASS CERTIFICATION**

I, NICOL ZENIA PERRY, having been first duly sworn according to law, hereby declare, depose, state, affirm and aver as follows:


1. I am the owner of Platinum Motors, Inc., a used car dealership which formerly operated in Chesapeake, Virginia.
2. Platinum Motors, Inc. is one of the named Plaintiffs in the above-captioned lawsuit. I am aware of the matters set forth herein and the following facts and information of my own personal knowledge, and if called upon to testify to such matters, I could and would competently so testify.

3. In May 2011, Platinum Motors, Inc. contracted with Dealer Services Corporation n/k/a NextGear Capital, Inc. for a credit line of \$35,000 that was used to purchase used cars. This contract is commonly known in the used car industry as a “Floorplan Agreement.”
4. Between 2011 and 2012, Platinum Motors, Inc. floorplanned several vehicles and paid interest to Dealer Services Corporation n/k/a NextGear Capital, Inc.
5. Platinum Motors, Inc. is therefore a member of the Class on whose behalf the above-captioned class action is being brought and maintained.
6. As a result of the Defendants' conduct alleged in the Verified Amended Complaint, Platinum Motors, Inc. has suffered monetary loss, including but not limited to interest and fees on money not lent, and damage to its business relationships.
7. To the best of my knowledge, information and belief, there is no conflict whatsoever between Platinum Motors, Inc. and any other member of the Class or either subclass.
8. As a named Plaintiff in the above-captioned class action, Platinum Motors, Inc. is committed to the vigorous prosecution of this litigation. Platinum Motors, Inc.'s interests in the prosecution and outcome of the case are not antagonistic to the interests of any other member of the Class or either subclass. Rather, Platinum Motors, Inc.'s interests coincide with the interests of the other members of the Class and the subclasses. In fact, I own another entity, Carkey Auto, that is a member of the proposed class because Carkey also floor planned vehicles and paid interest to Dealer Services Corporation n/k/a NextGear Capital, Inc.
9. Platinum Motors, Inc. has retained competent and experienced legal counsel to prosecute these claims vigorously on its behalf and on behalf of the Class and each

subclass. On behalf of Platinum Motors, Inc., I have no doubt that legal counsel will fairly and adequately represent and advance the interests of the Class and each subclass.

**I DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT  
THE  
FOREGOING FACTS AND REPRESENTATIONS ARE TRUE AND CORRECT.**

Executed at 5811, Jefferson Ave, this 29<sup>th</sup> day of September,  
2016.

  
\_\_\_\_\_  
NICOL ZENIA PERRY